Remarks/Arguments

Reconsideration of this application in light of the above amendments and the following remarks is requested.

Claim 31 has been amended, claim 1 has been cancelled, and claims 21-30 and 32-40 have been maintained in their current form.

Rejections under 35 U.S.C. § 102

Claims 21-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,167,448 to Hemphill, et al. ("Hemphill"). MPEP § 2131 requires that, "[t]o anticipate a claim, the reference must teach every element of the claim..." Applicant submits that this reference fails to teach every element of claim 21 and does not anticipate the subject matter of claim 21 under 35 U.S.C. § 102(b).

Claim 21 recites in part, "publishing the event; retrieving a subscriber list, the list including the subscriber and the subscription filter; selecting the subscriber and the subscription filter from the list; filtering the event through the subscription filter; passing the event to the subscriber if the event passes through the subscription filter..."

Hemphill fails to teach at least those elements recited above. More specifically, the cited text (col. 4, lines 32 – 65) of Hemphill states:

> The management server 102 provides a management foundation, which includes discovery of manageable devices, performance of event management and determination of device status and device groups. The database 128 preferably includes events, discovered devices, device status, user preferences and user-specified data that is actively monitored. The management server 102 performs management services to discover managed elements 104 of the management network 100 and to track the device state of all of the managed elements 104. The management server 102 may discover devices on the network using IP pinging for IP devices, SAP broadcasts for Internetwork Packet Exchange (IPX) devices and is extendable to enable other discovery mechanisms. The management server 102 periodically collects and saves configuration information in the database 128 in a common form regardless of whether the information was originally web-based,

SNMP or DMI. For example, the management server 102 stores events and traps, and enables configuration of filters that ultimately generate queries that are used to select records from the database 128. The management server 102 also enables access of the database 128. The database 128 is preferably based on SQL Server by Microsoft® and is accessed via Java™ DataBase Connectivity (JDBC) or Object DataBase Connectivity (ODBC). SQL views are created to abstract the database 128 for reporting purposes.

The management server 102 enables the user to select a managed element 104 and view detailed information about that device. The management server 102 also enables a user to create device groups for business process views by filtering for selected devices and for selected events of those devices. The management server 102 handles events, such as SNMP traps and HTTP alerts, logs the events and allows a user to set event filters.

Accordingly, rather than teaching or suggesting a system where events are published, filtered, and passed to subscribers, Hemphill teaches that, "[t]he management server 102 *periodically collects and saves* configuration information in the database..." (col. 4, lines 45-47, emphasis added). Nowhere does the cited text teach or suggest each element of claim 21 as required by MPEP § 2131, and the 35 U.S.C. § 102(b) rejection of claim 21 cannot be supported by Hemphill. Dependent claims 22-29 depend from and further limit claim 21 and are allowable for at least the same reasons as claim 21. Furthermore, claims 23, 25, 27, and 28 each recite acting on the event by either making an alteration or by termination. Nowhere does the cited text of Hemphill teach or suggest such acting on an event. Accordingly, claims 23, 25, 27, and 28 are also allowable for at least this additional reason.

Claim 31, as amended, recites in part parsing the event with an XML parser, and instantiating the event as a Data Object Model (DOM) class when services required by the event are unavailable. Applicant can find no teaching or suggestion in the cited text of Hemphill of such an element as required by MPEP § 2131, and claim 31 is allowable over the cited reference. Dependent claims 32-40 depend from and further limit claim 31 and are allowable for at least the same reasons as claim 31.

New claim 41 recites, in part, modifying the event based on an alteration of at

least one of the event parameter and the object parameter by the first subscriber; and passing the modified event to the second subscriber. Applicant can find no teaching or suggestion in the cited text of Hemphill of such an element as required by MPEP § 2131, and claim 41 is allowable over the cited reference for at least this reason.

Conclusion

Therefore, it is respectfully submitted that independent claims 21, 31, and 41 are in condition for allowance. Dependent claims 22-29 and 32-40 depend from and further limit their respective independent claims and are allowable as well.

Should the Examiner deem that any further amendment is needed to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

Timothy F. Bliss
Registration No. 50,925

Dated: March 29, 2004
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972/739-8638
File: 26530.56 / IDR-452

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 29, 2004.

Gayle Conner